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2	Attorney General of California LINDA K. SCHNEIDER			
3	Supervising Deputy Attorney General RITA M. LANE			
4	Deputy Attorney General State Bar No. 171352			
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7	Telephone: (619) 645-2614 Facsimile: (619) 645-2061			
8	Attorneys for Complainant			
9	BEFORE THE			
10	DEPARTMENT OF CONSUMER AFFAIRS			
11	STATE OF CALIFORNIA			
12	In the Matter of the Accusation Against: Case No. DBC 2012 -26			
13	VALENTINA OBRADOVIC DBA Adriatic Dental Office  A C C U S A T I O N			
14	960 West San Marcos Boulevard, #110 San Marcos, CA 92069			
15	Dental License No. 41499			
16	Additional Office Permit No. 10610 Fictitious Name Permit No. 2534			
17	Respondent.			
18				
19				
20	Complainant alleges:			
21	PARTIES			
22	1. Richard DeCuir (Complainant) brings this Accusation solely in his official capacity			
23	as the Executive Officer of the Dental Board of California, Department of Consumer Affairs.			
24	2. On or about November 8, 1993, the Dental Board of California issued Dental License			
25	Number 41499 to Valentina Obradovic. The Dental License was in full force and effect at all			
26	times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.			
27	3. On or about October 19, 1999, the Dental Board of California issued Fictitious Name			
28	Permit Number 2534 to Adriatic Dental Office for Dr. Valentina Obradovic (Respondent). The			
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Fictitious Name Permit was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.

4. On or about November 17, 2011, the Dental Board of California issued Additional Office Permit Number 10610 to Valentina Obradovic, D.D.S., INC. The Additional Office Permit address of record is 4313 La Jolla Village Drive, #K-4, San Diego, CA 92122. The Additional Office Permit was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.

# JURISDICTION

- 5. This Accusation is brought before the Dental Board of California (Board),
  Department of Consumer Affairs, under the authority of the following laws. All section
  references are to the Business and Professions Code (Code) unless otherwise indicated.
- 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

# 7. Section 1718 of the Code states:

Except as otherwise provided in this chapter, an expired license may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued renewal and delinquency fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 1715 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

# 8. Section 1670 of the Code states:

Any licentiate may have his license revoked or suspended or be reprimanded or be placed on probation by the board for unprofessional conduct, or incompetence, or gross negligence, or repeated acts of negligence in his profession, or for the issuance of a license by mistake, or for any other cause applicable to the licentiate provided in this chapter.

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1	9. Section 1680 of the Code states:
2	Unprofessional conduct by a person licensed under this chapter is defined as,
3	but is not limited to, any one of the following:
4	****
5	(p) The clearly excessive prescribing or administering of drugs or treatment, or the clearly excessive use of diagnostic procedures or the clearly excessive use of diagnostic facilities, as determined by the customary practice and standards of the
6	dental profession.
7	COSTS
8	10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9	administrative law judge to direct a licentiate found to have committed a violation or violations of
10	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11	enforcement of the case.
12	11. Section 1672 of the Code state, in pertinent part:
13	(a) When the board disciplines a licensee by placing him or her on probation, the
14	board may, in addition to the terms and conditions described in Section 1671, require the licensee to pay the monetary costs associated with monitoring the
15	licensee's probation.
16	FACTS
17	PATIENT DIANA R.
18	12. On November 27, 2007, Respondent saw patient Diana R., a 90 year old woman, for a
19	consultation for laser gum surgery.
20	13. On January 14, 2009, Respondent saw patient Diana R. for a consultation and
21	photographs were taken.
22	14. On January 22, 2009, Respondent performed laser gum surgery to patient Diana R.'s
23	lower right quadrant with local anesthesia.
24	15. On January 23, 2009, Respondent saw patient Diana R. for a post-operative visit.
25	16. On February 3, 2009, Respondent performed laser gum surgery to patient Diana R.'s
26	upper right quadrant with local anesthesia.
27	17. On February 13, 2009, Respondent performed laser gum surgery to patient Diana R.'s
28	upper left quadrant with local anesthesia.
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- a. Respondent failed to perform a comprehensive periodontal examination before performing surgical treatment.
- b. Respondent failed to provide a prognosis for the teeth that were affected by periodontal disease.
- c. Respondent failed to record several key diagnostic indicators of periodontal disease in patient Diana R.'s records, such as tooth mobility, furcation involvement, gum recession, amount of attached gingival, local/systemic/genetic risk factors and the patient's ability to perform adequate home care to keep the teeth clean.
- d. The degree of bone loss on the x-rays is inconsistent with the recorded probing depths. The probing depths are recorded to be much deeper than the x-rays suggest.
  - e. Respondent performed gum surgery in a plaque infested dentition.
- f. Respondent performed gum surgery on patient Diana R. even though a periodontist had made a recommendation against surgical treatment.
- g. Respondent failed to perform an initial, non-surgical, periodontal therapy with scaling and root planing or deep cleaning, prior to deciding on surgical treatment.
- h. Respondent failed to perform periodontal re-evaluation examinations 4-6 weeks after "deep cleaning" to determine a need for additional treatment of the gum disease.
- i. Respondent failed to control or stabilize the periodontal disease before starting extensive restoration crown care on teeth numbers 14 and 15.
- j. Respondent failed to treat patient Diana R.'s mucous membrane pemphigoid flare ups with palliative treatment guided toward alleviating her symptoms.
- k. Respondent gave an assurance to patient Diana R. that the laser treatment would clear up all of the patient's existing gum disease.

# PATIENT KATIE S.

33. On February 12, 2009, Respondent saw patient Katie S., a 30 year old woman, for a consultation and examination with 6 x-rays. Respondent told patient Katie S. that she needed periodontal scaling, root planing, fillings and therapeutic irrigation on her gums with a cost of approximately \$3,000. Patient Katie S. did not receive any treatment from Respondent.

34. On March 11, 2010, patient Katie S. saw a subsequent dentist for a consultation. She had not had any dental treatment since her consultation with Respondent on February 12, 2009. The subsequent dentist told patient Katie S. that there was nothing wrong with her teeth and that no dental treatment was necessary.

# SECOND CAUSE FOR DISCIPLINE

(Excessive Treatment)

- 35. Respondent is subject to disciplinary action under Code section 1680(p) for unprofessional conduct, in that Respondent clearly excessively prescribed dental treatment to patient Katie S. by misrepresenting to patient Katie S. that she needed periodontal scaling, root planing and therapeutic irrigation on her gums, when there was a lack of clinical data and periodontal diagnosis to warrant that treatment. The circumstances are as follows:
- a. Respondent's patient treatment record for patient Katie S. lacks any notes indicating the presence of disease, caries, defective restorations or condition of the gums and supporting bone.
- b. The treatment record does not list a diagnosis or rationale for the proposed scale/root plane, therapeutic drug irrigation, fillings or resin crown that Respondent proposed.
- c. There is no documentation in the treatment record of any discussion of alternative treatment plan, risk or benefits.
- d. The probing depths in the periodontal chart provided by Respondent are significantly different from those provided by the subsequent dentist.
- e. The periodontal chart provided by the subsequent dentist for patient Katie S. indicates generalized probing depths of 2-3 mm, which is consistent with healthy gum tissue and supporting bone.
- f. Patient Katie S.'s x-rays suggest no, or minimal amounts of bone loss, which is not consistent with Respondent's findings of 5-6 mm of attachment loss or with her alleged statement about bone loss to the patient. The subsequent dentist found that patient Katie S. has good oral hygiene with light plaque (bacteria) deposits and light calculus (tarter).

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# PATIENT RICHARD B.

- 36. On January 19, 2011, Respondent saw patient Richard B., a 94 year old man, for a consultation and examination. Respondent took full mouth x-rays and photographs. The same day, Respondent performed laser gum surgery to the patient's upper right quadrant with local anesthesia. Respondent also prepared teeth numbers 1, 2 and 3 for new crowns.
  - 37. On January 21, 2011, Respondent saw patient Richard B. for a post-operative visit.
- 38. On March 2, 2011, Respondent placed crowns on patient Richard B.'s teeth numbers 1 and 3 under local anesthesia. Respondent also prepared tooth number 2 for a crown.
- 39. On March 28, 2011, Respondent placed a crown on patient Richard B.'s tooth number 2, without local anesthesia. The crown did not fit properly. There is no entry in Richard B.'s treatment record of a follow up visit for the crown on tooth number 2.

# THIRD CAUSE FOR DISCIPLINE

(Gross Negligence)

- 40. Respondent is subject to disciplinary action under Code section 1670 in that her care and treatment of patient Richard B. constituted gross negligence. The circumstances are as follows:
- a. Respondent failed to perform a comprehensive periodontal examination before performing surgical treatment, including measurement of probing debts, clinical attachment level, gum recession, tooth mobility, furcation involvement, and radiographic evaluation of supporting bone loss around the teeth.
- b. Respondent failed to record a periodontal diagnosis in the treatment record to determine a need for surgical treatment and he should have given a periodontal diagnosis based on clinical examination, radiographs and other diagnostic information.
- c. Respondent failed to provide a prognosis for the teeth that were affected by periodontal disease.
  - d. Respondent performed gum surgery in a plaque infested dentition.
- e. Respondent performed extensive restoration treatment (new crowns) on teeth with moderate to severe loss of attachment or gum disease.

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	1 Dental Vicence Number 41400 issued to Valentina	
1	1. Revoking or suspending Dental License Number 41499, issued to Valentina	
2	Obradovic.	
3	<ol> <li>Revoking or suspending Additional Office Number 10610, issued to Valentina</li> </ol>	
4	Obradovic;	•
5	<ol> <li>Revoking or suspending Fictitious Business Permit Number 2534, issued to Valent</li> </ol>	ina
6	Obradovic;	
7	4. Ordering Valentina Obradovic to pay the Dental Board of California the reasonable	
8	costs of the investigation and enforcement of this case, and, if placed on probation, the costs of	Ē
9	probation monitoring; and	
10	5. Taking such other and further action as deemed necessary and proper.	
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12	DATED: 9.26.12 RICHARD DECUIR	
13	Executive Officer Dental Board of California	
14	Department of Consumer Affairs State of California	
15	Complainant	
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